

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

11 UNITED STATES OF AMERICA,) No. CR-08-00652-SBA
12 Plaintiff,) ORDER GRANTING STIPULATED
13 v.) REQUEST TO CONTINUE HEARING
14 LONNIE IVORY PETERSON,) DATE TO JANUARY 27, 2009 AND TO
15 Defendant.) EXCLUDE TIME UNDER THE SPEEDY
16) TRIAL ACT
17) Date: December 16, 2008
18) Time: 9:00 a.m.
19) Court: Hon. Saundra Brown
20) Armstrong

19 The parties jointly requested that the hearing in this matter be continued from December
20 16, 2008 to January 27, 2009, and that time be excluded under the Speedy Trial Act between
21 December 5, 2008 and January 27, 2009 to allow for the effective preparation of counsel, taking
22 into account the exercise of due diligence. The parties further requested that the Court order the
23 United States Probation Office to prepare a pre-plea criminal history report to assist the parties in
24 understanding the impact of defendant's juvenile record.

According to the parties, defendant is 19 years old and has several juvenile arrests and potential convictions. It is difficult for the parties to determine the dispositions of defendant's juvenile proceedings. The dispositions could, however, significantly impact defendant's sentencing exposure in this case. For example, defendant's juvenile dispositions may cause him

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1 to be ineligible for the safety-valve reduction. The parties, therefore, requested that the Court
2 order the United States Probation Office to prepare a pre-plea criminal history report to assist the
3 parties in determining the impact of defendant's juvenile convictions and his ultimate potential
4 sentencing exposure. Defendant agreed that the Court may review the pre-plea criminal history
5 report even though he has not yet pleaded guilty. The parties agree the ends of justice served by
6 granting the continuance outweigh the best interests of the public and defendant in a speedy trial.
7 For these stated reasons, the Court finds that the ends of justice served by granting the
8 continuance outweigh the best interests of the public and defendant in a speedy trial. Good
9 cause appearing therefor, and pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv),

10 **IT IS HEREBY ORDERED** that the hearing in this matter is continued from December
11 16, 2008 to January 27, 2009 at 9:00 a.m., and that time between December 16, 2008 and
12 January 27, 2009 is excluded under the Speedy Trial Act to allow for the effective preparation of
13 counsel, taking into account the exercise of due diligence.

14 **IT IS FURTHER ORDERED** that the United States Probation Office shall prepare a
15 modified Presentence Investigation Report detailing defendant's criminal history only.

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17 DATED:12/8/08

Saundra B. Armstrong
18 HON. SAUNDRA BROWN ARMSTRONG
United States District Judge